

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 5-9, 14-18, and 33-58 are pending in the application, with claims 1, 5, 14, 33-38, 47, 52, 57, and 58 being the independent claims. Claims 1-4, 10-13, and 19-32 were previously withdrawn and cancelled without prejudice to or disclaimer of the subject matter therein. Claims 35-38 and 43-46 are sought to be amended for clarity. Support for the amendments is found at least at, for example, paragraphs 8, 12, 15, 65-70, 79, and 109 and FIGs. 7, 8, and 10 of U.S. Pat. Publication No. 2005/0070259 A1 to Kloba, *et al.* (Alternatively, "the Specification"). Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These amendments should be entered after final because they merely clarify implicit features, do not require further search or consideration by the Examiner, and they place the claims in condition for allowance. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Summary of Examiner Interviews

Applicants' representative, Randall K. Baldwin, gratefully acknowledges the courtesies extended to him by Examiner Pearson in granting telephone communications on July 7 and 20, 2010.

In the telephone communications, Applicants' representative and the Examiner discussed the Examiner's proposed amendments to claims 35-38 to place the application in condition for allowance. Initially, during the telephone communication of July 7, 2010, the Examiner and Applicants' representative discussed alternative amendments/claim language for claims 35-38 to obviate a potential new rejection of these claims under 35 U.S.C. §§ 101 and/or 112. In particular, the Examiner proposed amending the preambles of independent claims 35-38 to clarify that the recited computer readable media are non-transitory. During the telephone communication of July 20, 2010, the Examiner clarified his comments regarding the objection to claims 43-46. During the telephone communication of July 20, 2010, the Examiner also clarified his comments regarding the rejection of claims 35-46 under 35 U.S.C. § 112. After discussion, the Examiner clarified that while no claims stood rejected under 35 U.S.C. § 101 in the Office Action, the Examiner's suggested claim amendments on pages 2 and 3 of the Office Action "in order to overcome 101 rejection" are in reference to the rejection of claims 35-46 under 35 U.S.C. § 112, first paragraph.

During the telephone communication of July 20, 2010, Applicants' representative and the Examiner discussed proposed amendments to claims 35-38 and the Examiner agreed that amending the preamble of these claims to recite a "non-transitory computer readable medium" would overcome the rejection under 35 U.S.C. § 112, first paragraph. The substance of the discussion in the telephone communications is included in the present remarks.

Allowable Subject Matter

Initially, Applicants gratefully acknowledge the Examiner's indication on pages 1 and 2 of the Office Action that the patent application contains allowable subject matter. The Examiner is thanked for the indication that claims 5-9, 14-18, 33, 34, and 47-58 are allowed.

Claim Objections

The Examiner has objected to claims 43-46 due to informalities.

As discussed during the aforementioned telephonic interview, Applicants submit herewith amended claims 43-46 pursuant to the Examiner's suggestions indicated on page 2 of the Office Action that address the Examiner's concerns. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 43-46.

Rejection under 35 U.S.C. § 112

Claims 35-38 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. In particular, the Examiner asserts that "[t]he recitation "computer readable storage medium" in claims 35-38 was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor at the time the application was filed had possession of the claimed invention." (Office Action, page 2). Applicants respectfully traverse this rejection.

As discussed during the aforementioned telephone communications, without acquiescing to the propriety of the rejection, and merely to expedite prosecution,

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Applicants have amended claims 35-38 to accommodate the rejection of the Examiner and to clarify the claims.

For example, independent claims 35-37 as amended herein respectively recite, among other features, "[a] computer program product comprising a *non-transitory computer readable storage medium*[" Further, for example, claim 38 as amended herein recites, *inter alia*: "[a]n apparatus including a *non-transitory computer readable medium* having computer program logic stored thereon[.]"

Support for the amendments to claims 35-38 is found in at least at, for example, paragraphs 8, 12, 15, 65-70, 79, and 109 and FIGs. 7, 8, and 10 of the Specification. By way of example and not limitation, the Specification describes "computer program products for enabling access to data driven websites on mobile client devices" wherein "[u]sage data corresponding to the occurrence of at least one user initiated event on the mobile client device is stored . . . [t]he mobile client device is synchronized with a server . . . [t]he usage data is transferred to the server". (Specification, paragraphs [0008] and [0015]). The Specification also describes an exemplary embodiment wherein a "Server 704 can include any combination of hardware, software, and/or firmware present in computer system 802" and an "Application provider 706 can include any combination of hardware, software, and/or firmware present in computer system 804." (Specification, paragraph [0069]). Applicants' Specification further describes "a software module operating in mobile client device 702" that "can be implemented in hardware, software, and/or firmware, in any combination." (Specification, paragraph [0109]). Thus, the features recited in claims 35-38 are supported by the Specification.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 35-38 under 35 U.S.C. § 112.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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